

Trent McCotter

Partner

Trent McCotter is a partner with Boyden Gray PLLC. Having served as Deputy Associate Attorney General of the United States and as an Assistant U.S. Attorney, Mr. McCotter has deep experience at every level of federal litigation and with every major federal agency.

In Spring 2025, Mr. McCotter will argue before the U.S. Supreme Court in the biggest administrative-law case of the term, *FCC v. Consumers' Research*, which would require Congress to impose meaningful limits on how much power bureaucratic agencies can exercise. Until Mr. McCotter prevailed before the en banc court below, it had been 90 years since a court held a government program violated the nondelegation doctrine.

Mr. McCotter has achieved numerous other pathbreaking victories. He is lead counsel in the only case to obtain an emergency stay of the SEC's climate disclosure rule, leading the agency to delay the rule indefinitely and save billions in compliance costs. And he is lead counsel in the only case that obtained relief against the federal employee vaccine mandate: nearly a dozen other challenges failed,

but Mr. McCotter's clients received a nationwide preliminary injunction that lasted for over three years and was upheld by an en banc court.

Mr. McCotter maintains an extensive appellate practice. He has considerable experience identifying and briefing cases that draw the Supreme Court's attention, having persuaded the Court to grant certiorari in numerous cases raising issues of sovereignty, constitutional rights, due process, and criminal law. He has authored and submitted over 70 briefs at the Court.

He has also personally argued more than fifteen federal appeals across the Second, Fourth, Fifth, Sixth, Ninth, Eleventh, Federal, and D.C. Circuits—including once arguing three separate appeals in just four days. He has also twice argued before the 17-judge en banc Fifth Circuit. He has been counsel in over 50 other appeals raising matters from FOIA and the APA to constitutional rights and statutory construction.

As Deputy Associate Attorney General, Mr. McCotter oversaw DOJ's Civil Appellate and Federal Programs branches, which are responsible for defending nearly all major litigation against the federal government. He formulated litigation strategy for high-profile administrative and constitutional matters involving the Environmental Protection Agency, Federal Election Commission, Department of Commerce, Food & Drug Administration, Equal Employment Opportunity Commission, Department of Homeland Security, and Department of Education, among others.

During his three years as a federal trial attorney in the Eastern District of Virginia's "Rocket Docket," Mr. McCotter won the Attorney General's Award for Distinguished Service, was lead counsel in a multi-million-

dollar trial, argued dozens of dispositive motions on matters ranging from administrative law to intellectual property, and first-chaired over 30 depositions, including a dozen expert witnesses.

During his DOJ tenures, Mr. McCotter also assisted with the confirmations of two Supreme Court justices and over a dozen lower-court judges.

Mr. McCotter is also Director of the Separation of Powers Clinic at The Catholic University's Columbus School of Law. His clinic briefs have been directly quoted by a Justice during Supreme Court oral argument and cited by name in a Fifth Circuit en banc opinion.

Mr. McCotter served as an inaugural clerk to the Hon. Steven J. Menashi on the U.S. Court of Appeals for the Second Circuit and also clerked for the Hon. R. Lanier Anderson III on the U.S. Court of Appeals for the Eleventh Circuit.

Mr. McCotter graduated summa cum laude from the University of North Carolina at Chapel Hill, with a degree in economics, and graduated magna cum laude from the University of North Carolina School of Law, where he received eight book awards for the highest grade in a class and served as an Articles Editor on the North Carolina Law Review.

Education

B.A., University of North Carolina at Chapel Hill, 2008

J.D., University of North Carolina School of Law, 2011

Bar Admissions

District of Columbia, North Carolina, Texas, Virginia

U.S. Supreme Court

U.S. Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, and D.C. Circuits

District of North Dakota

Southern District of Texas

Eastern and Western Districts of Virginia